

BLM

Rangeland Policy Overview

National Wild Horse and Burro Advisory Board Meeting
April 23, 2015
Columbus, Ohio

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Topics

- Brief sketch of historic public land livestock use.
- The Taylor Grazing Act and its implementation.
- Contemporary BLM livestock grazing administration and decision making.



Path to the Taylor Grazing Act

Mid-1860's to 1900

- **Opportunity, Demand, Ambition, Exploitation, Ignorance and Greed.**
- **After Civil War denuded eastern herds, Texans drove herds to Kansas shipping points to meet eastern demand and then expanded to “open ranges” further north and west.**
- **Backed by eastern banks and foreign venture capitalists.**
- **Minimal startup costs, free forage – unchecked use and unchecked herd growth.**
- **Ranchers used homestead laws to claim lands with waters that would allow them to dominate the practical use of the surrounding public domain.**

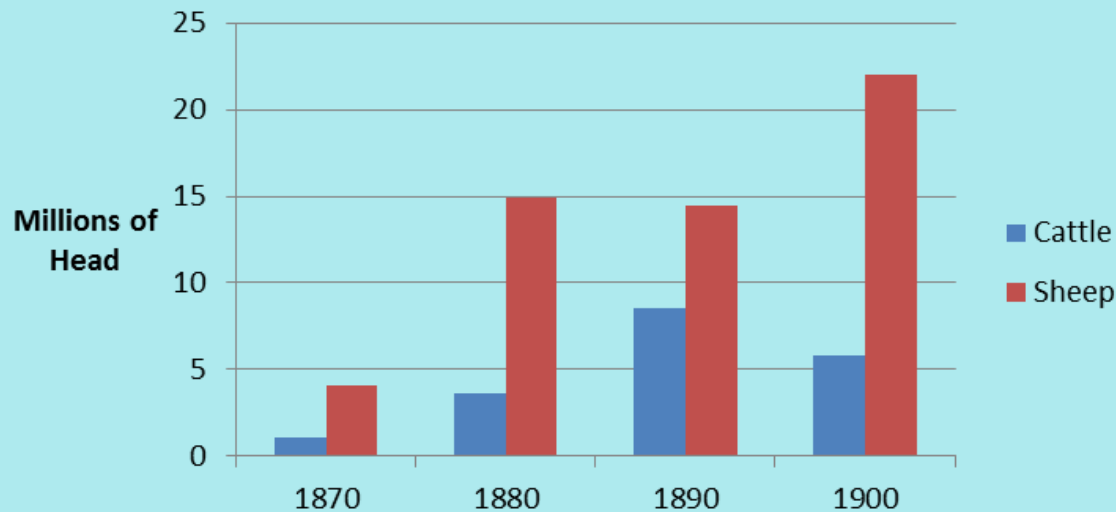


Izee Ranch, OR
1880's (?)



Livestock Expansion

**11 Western State Livestock Population
1870 to 1900**



This is all livestock in states based on tax or other historical economic records, not just on public domain land.

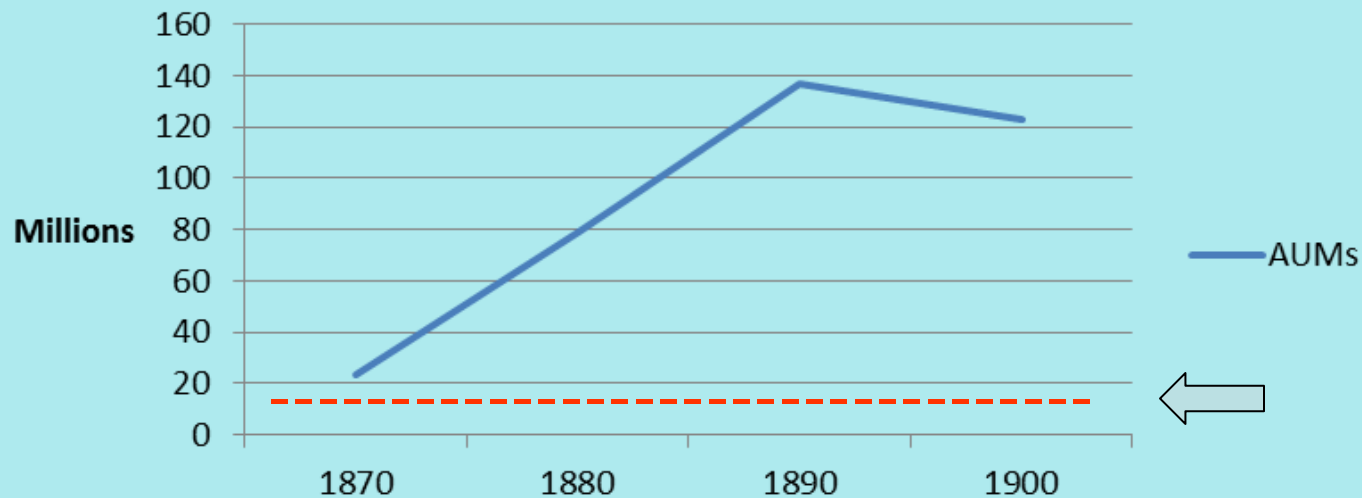


Sheep Grazing in
the Forest



Land Exploitation

**Estimated Forage Consumption by
11-Western State Livestock Population
1870-1900 in
Animal Unit Months (AUMs)**



Dotted red line is approximate current permitted use on BLM lands – 12.4 million AUMS. Of that, the average *actual use* over the last decade has been around 9 million AUMs.



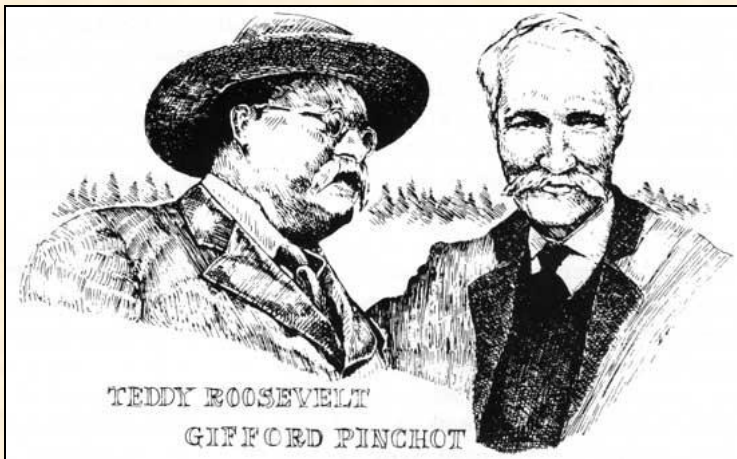
The “Range Problem”

- **Over-time, local controls established by cattle barons and livestock associations established the culture and sometimes violent customs of the industry as regards the use of the range.**
- **At the turn of the century, rampant speculation in livestock raising continued unabated. The universal business strategy was to get as much cattle as you could buy or borrow to get the most grass before it disappeared. Settlement by farmers continued to encroach on the “open range.”**
- **By 1900, the widespread forage depletion resulted in reduced stock weights at market and this was economically damaging the western livestock industry. Speculation also created “boom and bust” livestock business cycles.**
- **Constituency concerns with the “deplorable wastage” of the rangeland and declining economics of the livestock industry attracted Congress’ attention.**
- **Various bills to regulate and manage grazing on the public domain were introduced beginning in 1901 but inevitably died due to lack of livestock industry support.**



Stewardship Beginnings

- In 1905, the newly created Forest Service began administering the Forest Reserves -bringing restrictions to grazing on the National Forests.
- In 1912, DOI began to set aside public water reserves on a site-by-site basis so water sources located on the public domain would remain available for use by the general public and not be dominated by private parties.



- Sponsors of the Stock Raising Homestead Act of 1916 claimed that it would continue to promote the settlement and economic prosperity of the West and resolve overgrazing by putting the public lands into private ownership.



1916-1929

- **Before and during WW I, U.S. food production greatly expanded to feed Europe and U.S. troops. Western beef production, along with other agriculture, boomed.**
- **Soon after the war, agricultural prices collapsed, plunging many over-indebted farmers and ranchers into severe financial trouble.**
- **By 1923 it became clear that the 640 acres allowed by the Stock-raising Act was not sufficient acreage for a livestock operation in the arid west.**
- **Rancher claiming, patenting and restricting of access to important public land water continued, and Congress debated how to get control of the situation.**
- **Congressional inaction led to the Executive Branch of the federal government issuing EO 107 – Public Water Reserves (1926).**
- **Keeping certain stock waters in public ownership kept ranchers from claiming sole use of these waters in an attempt to prevent their dominating the use of large tracts of adjacent federal lands.**



Taylor Grazing Act 1934

- Preceded by the Alaska Livestock Grazing Act (1927), congress's creation of the Mizpah Pumpkin Creek Grazing District (1928) and Owens Valley Grazing District Reservation (1931).
- The Great Depression, severe drought and bad farming (the Dust Bowl) set the stage for Congress to finally assert control over use of the public lands.
- Preceded by five similar bills introduced by other western congressmen, the Taylor Grazing Act was enacted on June 28, 1934.

AN ACT TO STOP INJURY TO THE PUBLIC GRAZING LANDS BY PREVENTING OVERGRAZING AND SOIL DETERIORATION; TO PROVIDE FOR THEIR ORDERLY USE, IMPROVEMENT, AND DEVELOPMENT; TO STABILIZE THE LIVESTOCK INDUSTRY DEPENDANT UPON THE PUBLIC RANGE, AND FOR OTHER PURPOSES.

Preamble to the Taylor Grazing Act

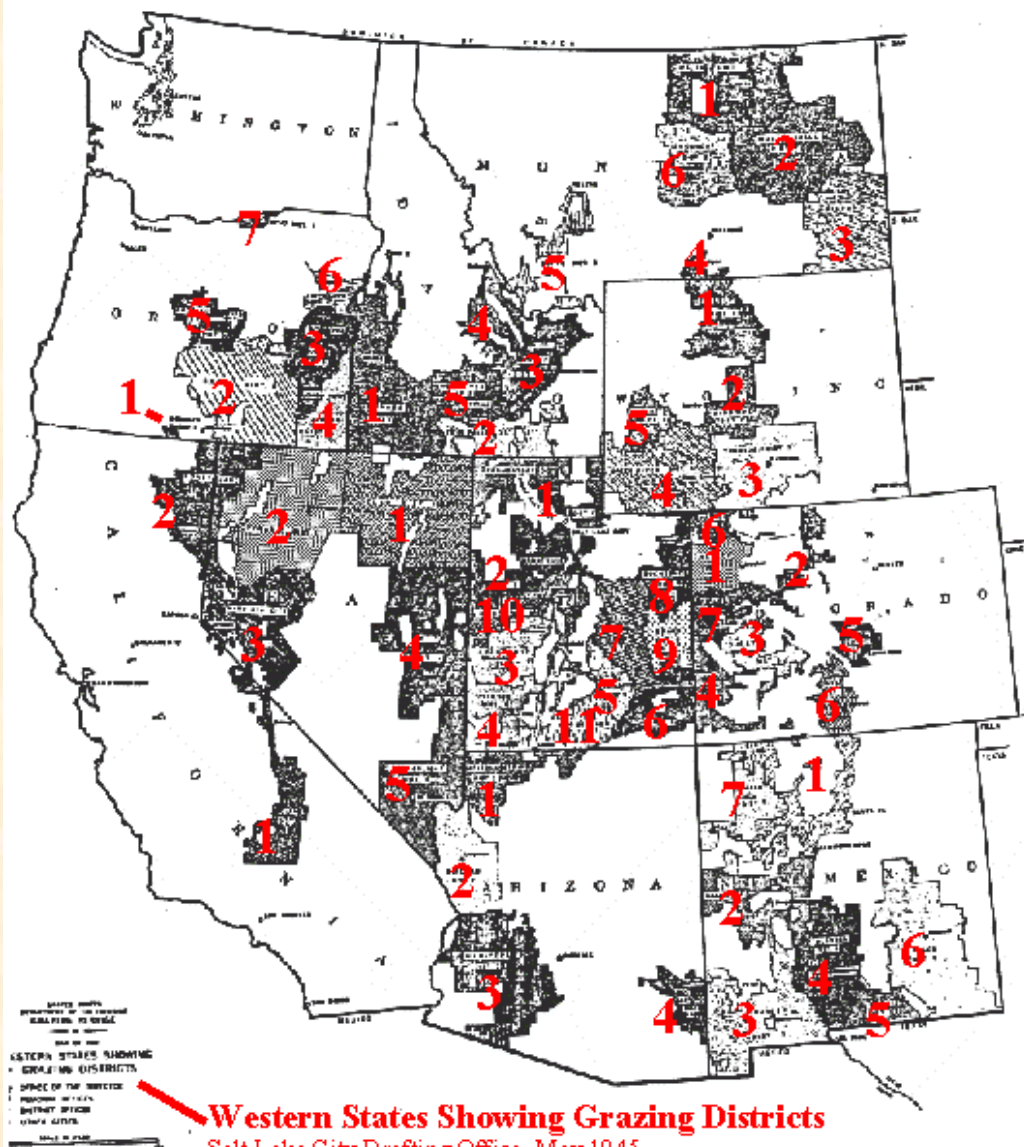


Orderly Range Administration

- In brief – the Taylor Grazing Act authorizes/requires the Secretary of Interior to:
 - Create rules for administering the range.
 - Create grazing districts; issue permits; make range improvements; charge a fee.
 - Cooperate with States and stock associations; lease lands not included in grazing districts.
 - Give priority for permits to landowners engaged in livestock business or water rights holders.
 - Once permit issued, provides for a “preference right of renewal.”
 - Provide for appeals from decisions of the administering official.
 - Later amendment authorized **Grazing Advisory Boards**.



Grazing District Establishment



Arizona

1. Arizona Strip
2. Kingman
3. Maricopa
4. Safford

California

1. Mojave
2. Honey Lake

Colorado

1. Meeker
2. Summit
3. Ouray
4. Dolores
5. Royal Gorge
6. Yampa
7. Rifle
8. San Luis

Idaho

1. Owyhee
2. Twin Falls
3. Lost River
4. Lemhi
5. Wood River

Montana

1. Malta
2. Musselshell
3. Mizpan
4. Bridger
5. Butte
6. Roundup

Nevada

1. Elko
2. Pyramid
3. Virginia City
4. Ely
5. Searchlight

New Mexico

1. San Isidro
2. Magdalena
3. Border
4. Tularosa
5. Mesa
6. Pecos
7. Chaco

Oregon

1. Bonanza
2. Basin
3. Vale
4. Jordan
5. Crooked River
6. Baker
7. Echo

Utah

1. Promontory
2. Bonneville
3. Panvart
4. Virgin
5. Escalante
6. Monticello
7. San Rafael
8. Ducnesne
9. Grand
10. Hebo
11. Vermillion

Wyoming

1. Tensleep
2. Wind River
3. Divide
4. Green River
5. Sublette



Adjudicate Permits

- Section 3 of the TGA states: “Preference shall be given in the issuance of grazing permits to [applicants] as may be necessary to permit the proper use of lands, water or water rights owned, occupied or leased by them ...” [emphasis added.]
- Accordingly, the first regulation in the first set of regulations (the “Federal Range Code” (1938)) was:
 - “Grazing districts will be administered for the
 - conservation of the public domain and, as far as compatible therewith ...
 - to promote the proper use of the privately controlled lands and waters dependent upon it. “
 - “Possession of sufficient land, water, or feed to insure a year-round operation for a certain number of livestock in connection with the use of the public domain will be required of all users.”
- Implementation of these provisions intertwined public land grazing privileges with privately owned base property.



1930's-40's: Initial Adjudication

- **Multi-step process, conducted by the Grazing Division's skeletal staff, as advised by the Grazing Advisory Board. Adjudication decisions were supported by information provided on the permit application and/or as recommended by the Grazing Advisory Board and/or through agreement between the BLM and the applicant, and were subject to protest/appeal.**
- **Done on a district or unit-wide basis rather than on an "allotment-by-allotment" basis.**
- **Decided who, where, when and how much to graze.**
- **"Where" (i.e. the allotment) and "when" (i.e. season and period) based almost entirely on the traditional and customary practices of the area.**
- **Regarding "who" (grazing permittee) and "how much" (livestock grazing capacity), ranchers obtained two basic outcomes following an adjudication of forage amounts by use areas:**
 - **Base Property "Qualifications"**
 - **Public Land "Grazing Privileges" for specified area**
- **Once determined, the qualifications for public land grazing privileges were "attached" to the base property supporting the permit.**



1950's – 60's: Second Adjudication

- During WW II, standards were relaxed because focus was on food production, not conservation of the range.
- After World War II, it became apparent to BLM that the initial adjudications over-obligated the range, and that overgrazing was continuing.
- BLM embarked on a multi-year program of completing all district or unit adjudications and changing previous adjudications to make them conform with updated capacity estimates.
- Once a science based forage estimate was determined, BLM then issued 10-year term grazing permits based intending to meet ranchers' "forage demand" (the forage needed by the rancher to balance out a year round operation) as was done under the initial adjudication.
- Updated capacity estimates in most cases resulted in grazing reductions that were a source of conflict and stress between ranchers and the BLM.



A2N3-34
(11/61)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
District Office
807 N. Plaza Street
Carson City, Nevada

NOTICE OF ALLOCATION OF GRAZING PRIVILEGES
AND ALLOTMENT BOUNDARY

January 16, 1962

Date

CERTIFIED MAIL
RETURN RECEIPT REQUESTED #320134

Sario Land & Livestock Company

Gardnerville, Nevada

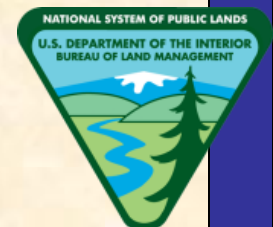
Dear Sir:

A study of your base property qualifications for grazing privileges in the Horse Springs Allotment of the Sutro Unit, Carson City Grazing District has been made by the Bureau of Land Management. This study was made in accordance with Section 161.4 and 161.5 and other applicable provisions of the Federal Range Code for the following purposes:

1. To determine your qualified Federal range demand in this Allotment attached to your base properties. Your Federal range demand will be permanently established and recorded regardless of any subsequent adjustments to grazing capacity.
2. To determine your adjusted grazing privileges in this Allotment. The purpose for adjusting the Federal range demand is to bring licensed use in balance with the grazing capacity of your allotment as determined by range surveys conducted by the Bureau of Land Management. Any future adjustments in grazing use will be based upon such studies as range condition, trend and utilization, on an allotment basis only and not in competition with other users in the Unit. If these studies reveal over use in the allotment, licensed use will be adjusted downward to the reduced grazing capacity. Conversely, if the allotment is understocked or range rehabilitation occurs through good management or reseeding, the licensed use may be adjusted upward.

This Decision:

- 3 pp. long
- 1 p. attachment (map).
- Sent to one party.



Adjudication Decision

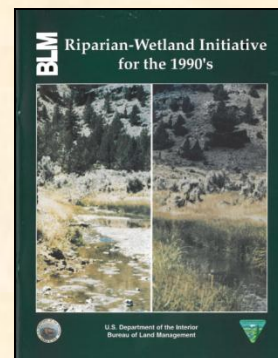
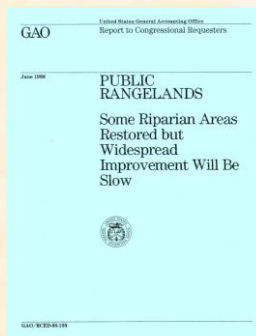
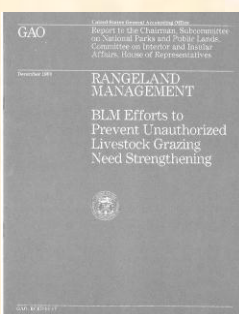
Evolution of Multiple Use

- In 1964 the “Classification and Multiple Use Act” was enacted.
 - Required BLM to classify lands for disposal or retention and to develop land use plans to guide all activities conducted on public lands.
- Also in 1964: the Wilderness Act.
- 1969: National Environmental and Policy Act
- 1971: Wild and Free-Roaming Horses and Burros Act
- 1973: Endangered Species Act; Clean Water Act
- **1976: Federal Land Policy and Management Act**
 - **BLM ORGANIC ACT**
 - Public lands to be retained and managed under the principals of sustained yield and multiple use as articulated by land use plans.
- 1978: Public Rangelands Improvement Act
- 1979: Archeological Resources and Protection Act



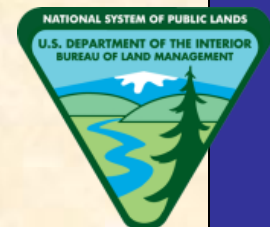
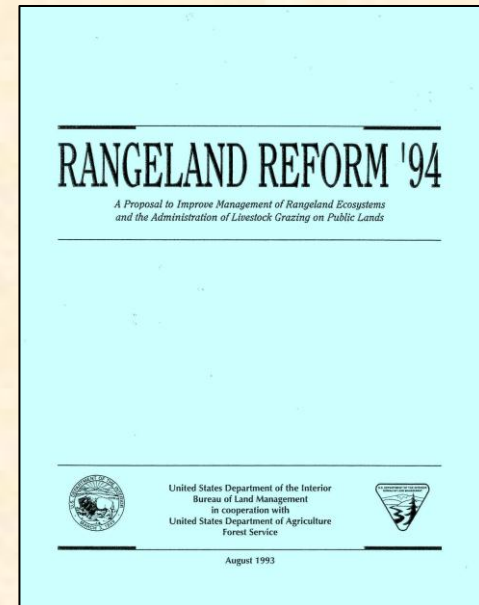
Evolution of Rangeland Administration

- **1978: Significant grazing regulations overhaul.**
- **1978-88: Completion of Grazing EIS's and Resource Management Plans required by FLPMA.**
- **Late 1970's: Vegetation Inventory to supply data to grazing EIS's.**
- **Early 1980's: Abandonment of "one-point-in-time" inventory to support grazing decisions – replaced with program of rangeland monitoring.**
- **Late 1980's – early 90's: Several program initiatives launched by the BLM – and several rangeland program critiques published by the General Accounting Office.**



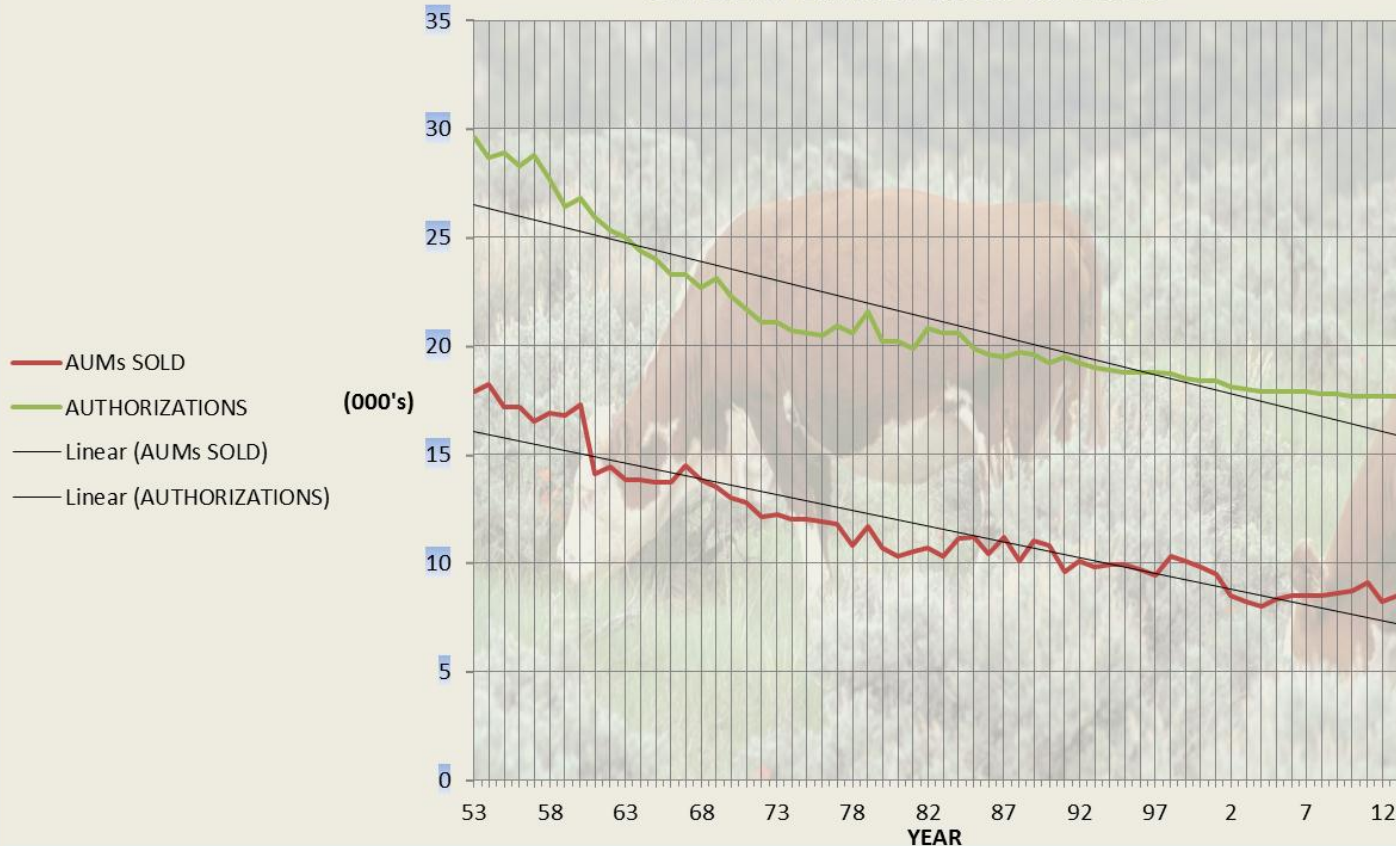
1995: Rangeland Reform

- **1995: Rangeland Reform –**
 - Changes grazing regulations in several areas.
 - Introduces requirement that all rangelands will be managed to achieve the **Fundamentals of Rangeland Health** and that livestock use will be made under provisions that achieve **Standards for Rangeland Health** and conform with **Guidelines for Livestock Grazing**.
 - (In 2006 an attempt to amend the grazing regulations to change some of the technical aspects of the regulation implementation were struck down for procedural deficiencies in their promulgation.)
- **1998: Comb Wash Decision from the IBLA –**
The advent of the “permit renewal EA”
 - In 1998, IBLA ruled that BLM must have site-specific NEPA analysis when analyzing grazing authorization.
 - Relying on a regional EIS was insufficient unless the EIS did a site specific examination of the effects of the permit.
 - Up until this time, BLM had been relying on regional EIS's to satisfy NEPA and did not do more NEPA before renewing permits.



Actual Livestock Grazing Use 1953-2013

AUMs Sold and Permits/Leases in Force
on BLM Lands: 1953 to 2013



Source: Public Land Statistics and
BLM grazing billing records.



2013 Grazing Statistics

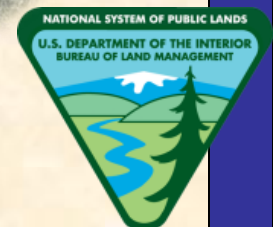
17,737
permits/leases

12.4 million
AUMs active

2 million
AUMs suspended

8.5 million
AUMs billed
(sold)

3.9 million
AUMs
nonuse



Source: Public Land Statistics 2013
(from BLM's Rangeland Administration System (RAS)).

Current BLM Grazing Regulations

- **Title 43 Code of Federal Regulations Part 4100 – October, 2005 Edition**
- **Ten Subparts:**
 - **4100 General Administration**
 - **4110 Qualifications and Preference**
 - **4120 Grazing Management**
 - **4130 Authorizing Grazing Use**
 - **4140 Prohibited Acts**
 - **4150 Unauthorized Grazing Use**
 - **4160 Administrative Remedies**
 - **4170 Penalties**
 - **4180 Fundamentals of Rangeland Health and Standards and Guidelines for Grazing Administration**
 - **4190 Effect of Wildfire Management Decisions**



GRAZING PERMITS

(43 CFR 4130.2 Through 4130.3-2)

- **With certain exceptions, the BLM issues a grazing permit for a 10-year term.**
- **It specifies the authorized:**
 - **Number and kind of livestock, grazing use period, place of use (allotment) and amount of forage use in Animal Unit Months (AUMs).**
 - **AUMs are calculated by multiplying the number of animal units allowed times the number of days allowed times the percent of forage within the allotment that occurs on public lands, divided by 30.41666.**
- **It also may include:**
 - **Provisions that assist in achieving management objectives, provide for proper range management or assist in the orderly administration of rangelands.**
- **Use authorized by a grazing permit must provide for the achievement of management and resource condition objectives and conform with standards and guidelines for rangeland health.**
- **Management and resource condition objectives are stated generally in regional land use plans and may be further refined in local activity plans.**



Sample Grazing Permit

CASE FILE COPY

Form 4130-2a
(February 1999)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

GRAZING PERMIT

STATE NV
OFFICE LLNV802000
AUTH NUMBER 2703688
PREFERENCE CODE 03
DATE PRINTED 05/12/2011
TERM 03/01/2010 TO 02/28/2020

AUTH NUMBER: 2703688
DATE PRINTED: 5/12/2011

BUREAU OF LAND MANAGEMENT
TONOPAH FO
PO BOX 911
TONOPAH NV 89049-0911

SAMPLE PERMITTEE
PO BOX 25047
DENVER CO 80225-0047

THIS GRAZING PERMIT IS OFFERED TO YOU UNDER 43 CFR PART 4100 BASED ON YOUR RECOGNIZED QUALIFICATIONS. YOU ARE AUTHORIZED TO MAKE GRAZING USE OF LANDS, UNDER THE JURISDICTION OF THE BUREAU OF LAND MANAGEMENT AND COVERED BY THIS GRAZING PERMIT, UPON YOUR ACCEPTANCE OF THE TERMS AND CONDITIONS OF THIS GRAZING PERMIT AND PAYMENT OF GRAZING FEES WHEN DUE. CONTACT YOUR LOCAL BLM OFFICE AT 775-482-7800 IF YOU HAVE QUESTIONS.

MANDATORY TERMS AND CONDITIONS

ALLOTMENT	PASTURE	LIVESTOCK NUMBER	KIND	GRAZING BEGIN	PERIOD END	% PL TYPE USE	AUMS
03913 SAMPLE ALLOTMENT		100	CATTLE	03/01	02/28	83 ACTIVE	996

OTHER TERMS AND CONDITIONS:

THIS IS A SAMPLE AUTHORIZATION TERM AND CONDITION

ALLOTMENT SUMMARY (AUMS)

ALLOTMENT	ACTIVE AUMS	SUSPENDED AUMS	TEMP SUSPENDED AUMS	GRAZING PREFERENCE
03913 SAMPLE ALLOTMENT	1000	0	0	1,000

CASE FILE COPY

AUTH NUMBER: 2703688
DATE PRINTED: 5/12/2011

- Grazing permit or lease terms and conditions and the fees charged for grazing use are established in accordance with the provisions of the grazing regulations now or hereafter approved by the Secretary of the Interior.
- They are subject to cancellation, in whole or in part, at any time because of:
 - Noncompliance by the permittee/lessee with rules and regulations.
 - Loss of control by the permittee/lessee of all or a part of the property upon which it is based.
 - A transfer of grazing preference by the permittee/lessee to another party.
 - A decrease in the lands administered by the Bureau of Land Management within the allotment(s) described.
 - Repeated willful/unauthorized grazing use.
 - Loss of qualifications to hold a permit or lease.
- They are subject to the terms and conditions of allotment management plans if such plans have been prepared. Allotment management plans MUST be incorporated in permits or leases when completed.
- Those holding permits or leases MUST own or control and be responsible for the management of livestock authorized to graze.
- The authorized officer may require branding and/or additional or special marking or tagging of the livestock authorized to graze.
- The permittee/lessee's grazing case file is available for public inspection as required by the Freedom of Information Act.
- Grazing permits or leases are subject to the nondiscrimination clauses set forth in Executive Order 11346 of September 24, 1964, as amended. A copy of this order may be obtained from the authorized officer.
- Livestock grazing use that is different from that authorized by a permit or lease MUST be applied for prior to the grazing period and MUST be filed with and approved by the authorized officer before grazing use can be made.
- Billing notices are issued which specify fees due. Billing notices, when paid, become a part of the grazing permit or lease. Grazing use cannot be authorized during any period of delinquency in the payment of amounts due, including settlement for unauthorized use.
- The holder of this authorization must notify the authorized officer immediately upon the discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony (cultural items), stop the activity in the area of the discovery and make a reasonable effort to protect the remains and/or cultural items.
- Grazing fee payments are due on the date specified on the billing notice and MUST be paid in full within 15 days of the due date, except as otherwise provided in the grazing permit or lease. If payment is not made within that time frame, a late fee (the greater of \$25 or 10 percent of the amount owed but not more than \$250) will be assessed.
- No Member of, or Delegate to, Congress or Resident Commissioner, after teacher election of appointment, or other before or after teacher has qualified, and during teacher continuance in office, and no officer, agent, or employee of the Department of the Interior, other than members of Advisory committees appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 1) and Sections 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701) or any other law or part of a permit or lease, or derive any benefit to arise therefrom, and the provision of Section 3741 Revised Statute (41 U.S.C. 32), 18 U.S.C. Sections 431-432, and 43 CFR Part 7, enter into and form a part of a grazing permit or lease, so far as the same may be applicable.

THIS GRAZING PERMIT

1. CONVEYS NO RIGHT, TITLE OR INTEREST HELD BY THE UNITED STATES IN ANY LANDS OR RESOURCES

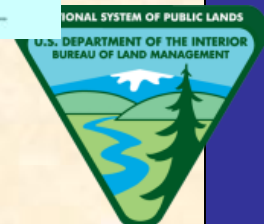
2. IS SUBJECT TO (A) MODIFICATION, SUSPENSION OR CANCELLATION AS REQUIRED BY LAND PLANS AND APPLICABLE LAW; (B) ANNUAL REVIEW AND MODIFICATION OF TERMS AND CONDITIONS AS APPROPRIATE; AND (C) THE TAYLOR GRAZING ACT, AS AMENDED; THE FEDERAL LAND POLICY AND MANAGEMENT ACT, AS AMENDED; THE PUBLIC RANGELANDS IMPROVEMENT ACT; AND THE RULES AND REGULATIONS NOW OR HEREAFTER PROMULGATED THEREUNDER BY THE SECRETARY OF THE INTERIOR.

ACCEPTED:

SIGNATURE OF PERMITTEE: John Z. Rancher DATE: 2/10/2010

APPROVED

BLM AUTHORIZED OFFICER: Joan P. Manager DATE: 2/15/2010



GRAZING PERMIT DECISION

Regulatory FRAMEWORK

- **Analysis**
 - **BLM** must periodically review the permitted use specified in a permit or lease and change if needed to manage, maintain or improve rangeland productivity, to assist in restoring ecosystems to properly functioning condition, to conform with land use plans or activity plans or to comply with standards and guidelines.
 - Such changes must be supported by monitoring, field observations, ecological site inventory or other data acceptable to the authorized officer. (43 CFR 4110.3).
- **Coordination – BLM must:**
 - Consult, cooperate and coordinate with affected permittees, the state and the interested public before issuing or renewing a permit (43 CFR 4130.2(b)).
 - Provide opportunity for public participation in the planning and environmental analysis of proposed plans affecting the administration of grazing and provide public notice concerning the availability of environmental documents prepared as part of the development of such plans (43 CFR 4120.2(c)).
 - Provide opportunity to permittees, state and interested public to review, comment and give input during the preparation of reports that evaluate monitoring and other data that are used as a basis for making decisions to increase/decrease grazing use or to change the terms and conditions of a permit (43 CFR 4130.3-3).



GRAZING PERMIT Decision

DECISION - Making FRAMEWORK: Gather and Analyze relevant data



The BLM uses rangeland health assessment and resource monitoring data collected over time and consults relevant science literature to help inform its grazing decisions.

Range Utilization Key Forage Plant Method

Key Area: CU 29 Date: 10/31/14 Examiner: Dan ZARON

Allotment: Cheate Position: Pine Springs

Kind and/or Class of Animal: CU 28 Period of Use:

Class Interval	Int Mid (M)	Key Species		Key Species		No. X Mont. (C/M)	No. X Mont. (C/M)
		Dot Count	No. By Class (C)	Dot Count	No. By Class (C)		
0-5%	2.5						
6-20%	13		1	13		2	26
21-40%	30		3	90		3	90
41-60%	50		7	350		7	350
61-80%	70		6	420		5	350

(a) (0-5%). The key species show no evidence of grazing use or negligible use.
 (b) (6-20%). The key species has the appearance of very light grazing. Plants may be topped or slightly used. Current seedstalks and young plants are little disturbed.
 (c) (21-40%). The key species may be topped, skinned, or grazed in patches. Between 60 and 80 percent of current seedstalks remain intact. Most young plants are undamaged.
 (d) (41-60%). Half of the available forage (by weight) on key species appears to have been utilized. Fifteen to 25 percent of current seedstalks remain intact.
 (e) (61-80%). More than half of the available forage on key species appears to have been utilized. Less than 10 percent of the current seedstalks remain. Shoots of rhizomatous grasses are missing.

Forage Utilization Measurement

Bridger Mountain Landscape Standards and Guidelines Assessment

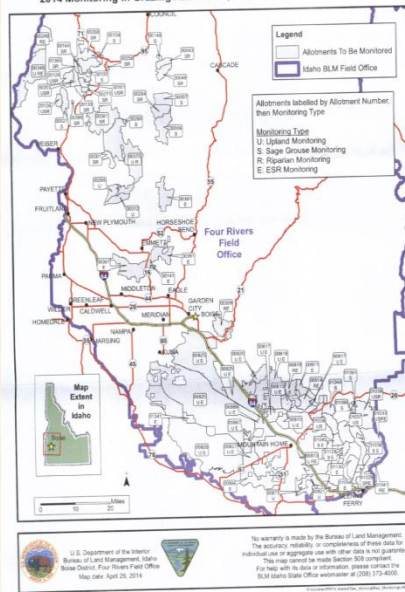
Document for Agency, Permittee, and Interested Public Information



July 2012

Rangeland Health Assessment

2014 Monitoring in Grazing Allotments, Four Rivers Field Office, BLM



Form 4130-5
(November 2004)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ACTUAL GRAZING USE REPORT

FORM APPROVED
OMB NO. 1004-0051
Expires: August 31, 2007

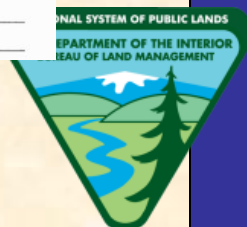
Dear Grazing Operator:

In accordance with the terms and conditions of the permit or lease which authorizes your grazing use, please complete this form and return to the **Theoretical** Field Office within 15 days after completing your authorized grazing use (43 CFR 4130.3-2(d)). This information, along with other studies data, is needed to evaluate the effectiveness of present management. Use a separate line for every day that you either turn livestock in or take livestock out of an allotment or pasture. Your cooperation in providing accurate information will be appreciated.

PASTURE	ACTUAL GRAZING USE		FOR BUREAU OF LAND MANAGEMENT (BLM) USE ONLY				
	DATE (Mo., Day, Yr.)	NUMBER AND KIND OR CLASS OF LIVESTOCK	NO. AND KIND OF LIVESTOCK	GRAZING PERIOD		% PL USE	AUMS
				BEGIN	END		
Little	05/01/2006	200 cattle	200 C	05/01	05/04	85	23
	05/05/2006	185 cattle	385 C	05/05	05/28	85	258
Little	05/28/2006	225 cattle	160 C	05/29	05/30	85	9

Livestock Actual Use Report

2014 Monitoring Schedule Map - ID



GRAZING PERMIT DECISION

DECISION – MAKING FRAMEWORK: Comply with NEPA

Hubbard Vineyard Allotment Grazing Permit Renewal

ENVIRONMENTAL ASSESSMENT



January 2011
File: 4130
DOI-BLM-NV-N030-2010-0003-EA



BLM

9th DISTRICT, NEVADA

Hubbard Vineyard Grazing Permit Renewal EA

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Appendix 1- Proposed Project Procedures for Range Improvement Projects
Appendix 2- Riparian Objectives

BLM uses the NEPA process to examine grazing management options to achieve management and resource condition objectives.



GRAZING PERMIT DECISION

Decision-making framework : Satisfy other Legal Processes

United States Department of the Interior
U.S. Fish and Wildlife Service
Arizona Ecological Services Office
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021-4951
Telephone: (602) 242-0210 FAX: (602) 242-2513

In Reply Refer To:
AESO/SE
22410-2010-F-0442

December 15, 2010

Memorandum

To: Field Office Manager, Kingman Field Office, Bureau of Land Management,
Kingman, Arizona

From: Field Supervisor

Subject: Biological Opinion for the Proposed Greenwood Community Grazing Allotment
Permit Renewal

Thank you for your request for formal consultation with the U.S. Fish and Wildlife Service (FWS) pursuant to section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544), as amended (Act). Your request was dated June 30, 2010, and received by us on July 6, 2010. At issue are impacts that may result from the proposed renewal of the grazing permit for the Greenwood Community Allotment near Wikieup, Mohave County, Arizona. The proposed action may affect the endangered southwestern willow flycatcher (*Empidonax traillii extimus*) and its critical habitat.

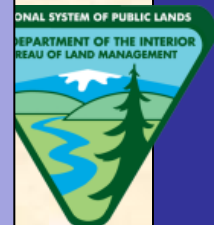
In your memorandum, you requested our concurrence that the proposed action is not likely to adversely affect the southwestern willow flycatcher. We concur with this determination. Our rationale for concurrence is detailed in Appendix A.

This biological opinion (BO) is based on information provided in your June 20, 2010, memorandum and biological assessment (BA); telephone conversations with your staff; field visits; and other sources of information. Literature cited in this BO is not a complete bibliography of all literature available on the species of concern or on other subjects considered in this opinion. A complete administrative record of this consultation is on file at this office.

BLM complies with the requirements of other applicable law, such as the Endangered Species and Archeological Resources Protection Acts, when analyzing the effects of use allowed by grazing permits.

BLM CA Archaeology and Range Management
Fellowship Jobs at American Conservation
Experience (ACE)

Position Description: The fellow will work on many aspects of cultural resource management of BLM Grazing Allotments including background research, data collection, site recordation and mapping, and reporting documentation for Section 106 of the NHPA compliance.



GRAZING PERMIT DECISION



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
Owyhee Field Office
20 First Ave West
Marsing, ID 83639
(208) 896-5912



In Reply Refer To:
4160 ID130

November 13, 2013

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

NAME REMOVED

Jordan Valley, Oregon 97910

This Decision:

- **27 pp. long**
- **18 p. attachment.**
- **Sent to 75 parties.**

Notice of Field Manager's Final Grazing Decision
-Trout Springs Allotment Permit Renewal: Authorization #1101594-

As you are aware, the Bureau of Land Management's (BLM) Owyhee Field Office (OFO) recently completed the Fundamentals of Rangeland Health (FRH) in conformance with 43 CFR 4180 in response to your August 2009 Application for Permit Renewal (grazing management proposal) for



BLM GRAZING DECISION DUE PROCESS

- Subpart 4160 requires that the BLM issue a formal decision before it implements any action or changes any provisions that relate to livestock permitting or modifying existing permitted grazing activities.
 - E.g., issue or renew a grazing permit, change or affirm permit terms and conditions; cancel a permit/lease; authorize, or require modification, or removal, of range improvements; adjudicate conflicting applications; demand payment for trespass.
- For grazing, with certain exceptions, it is a two-step process: “Proposed Decision” then “Final Decision.” (Forestry is another BLM program that has a two-step process – but most BLM programs have a single step process).
- Required by language in Section 9 the Taylor Grazing Act (43 U.S.C. 315h):
 - *“The Secretary of the Interior shall provide by appropriate rules and regulations for local hearings on appeals from the decisions of the administrative officer in charge in a manner similar to the procedure in the land department.”*
- Regulatory processes are in 43 CFR Subpart 4160 entitled “Administrative Remedies,” and in 43 CFR Part 4 entitled “Department Hearings and Appeals Procedures” - and specifically Subpart E Section 4.470 et seq. entitled “Grazing Procedures (Inside and Outside of Grazing Districts).”



BLM GRAZING DECISION DUE PROCESS

- Proposed grazing decisions may be protested to the **BLM** official who issued the decision.
- Final grazing decisions may be appealed to the **USDI Office of Hearings and Appeals** – who is delegated by the Secretary to decide appeals of decisions made by Interior Officials – such as **BLM Field Managers** who have been delegated decision-making authority.
- **Office of Hearings and Appeals** is organized into several functional areas: **Indian Appeals Board**, **Land Appeals Board**, **Departmental Cases Hearings Division**.
- **Grazing Decisions** typically are assigned to an **Administrative Law Judge (ALJ)** within the **Hearings Division**.
- If **ALJ** needs to determine facts on the record or otherwise has a need – he/she may schedule a formal hearing which is conducted in a manner similar to a civil hearing (lawyers, briefings, depositions, motions, orders, etc., etc.). Other options that do not involve a hearing include disposition by summary judgment, dismissal, etc.
- Any party (e.g., the **BLM** or the appealing party) may appeal the **ALJ's** decision to the **Land Appeals Board (IBLA)**.
- The **IBLA** “speaks for” the Secretary and thus the **BLM** does not appeal **IBLA** decisions. Aggrieved parties, however, may appeal **IBLA** decisions in the **Federal Civil Court System**.

Figure 3. Administrative Appeals of BLM Grazing Decisions



Thanks for Your Attention.

